

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twenty-Second Judicial District Court, County of Big Horn

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-16-066
)	
)	D E C I S I O N
MICHAEL HATTEN,)	
)	
Defendant.)	

On July 24, 2018, Defendant was sentenced to prison for ten (10) years, none suspended, for the offense of Count I: Criminal Endangerment. The sentence was ordered to run consecutively to Big Horn County Cause No. DC-97-072. The Court further ordered that Defendant was not eligible for parole during the ten-year prison sentence. Defendant received credit for time served in the amount of 12 days.

On February 21, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by video conferencing from the Dawson County Correctional Facility and was represented by Brent Getty of the Office of the State Public Defender. Big Horn County Attorney Gerald "Jay" Harris submitted a written letter and a Victim Impact Statement at the time of hearing which were considered by the Division.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.


Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 21st day of February, 2019.

DATED this 20th day of March, 2019.

SENTENCE REVIEW DIVISION

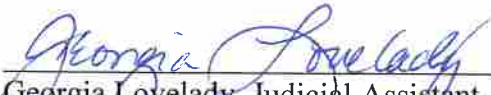

Hon. Brenda Gilbert, Chairperson


Hon. Dan Wilson, Member


Hon. Luke Berger, Member

Copies mailed this 25th day
of March, 2019, to:

Clerk of District Court (Original)
Michael Hatten #43360, Defendant (2)
Hon. Blair Jones
Brent Getty, Defense Counsel
Gerald Jay Harris, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division